

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

DEAN GILLISPIE,	:	
	:	Case No. 3:13-cv-00416
PLAINTIFF,	:	
	:	
v.	:	Judge Thomas M. Rose
	:	
MIAMI TOWNSHIP, et al,	:	
	:	
DEFENDANTS.	:	

STIPULATION OF THE PARTIES

Come now Plaintiff Dean Gillispie and Defendant Scott Moore, by and through counsel, and hereby stipulate as follows:

1. Following the Court's order on summary judgment (Doc. 298), the trial of this matter is currently under way on Plaintiff's First Amended Complaint as it relates to five claims against Defendant Moore, concerning (1) the suppression of exculpatory evidence, (2) unreliable identification evidence, (3) the fabrication of evidence, (4) Fourth Amendment malicious prosecution, and (5) the destruction of evidence. Dkt. 18.
2. Plaintiff has agreed to voluntarily dismiss the fabrication of evidence and Fourth Amendment malicious prosecution claims.

3. The parties hereby stipulate that Plaintiff may drop these claims pursuant to this Court's authority over the scope of trial as well as the Federal Rules of Civil Procedure. *See, e.g.*, Fed. R. Civ. P. 15, 41, 54(b).
4. The parties further stipulate that Plaintiff need not file a motion or formally move to amend the complaint to voluntarily dismiss the claims and that such claims are, by agreement, hereby dismissed.

RESPECTFULLY SUBMITTED,

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RESPECTFULLY SUBMITTED,

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CERTIFICATE OF SERVICE

I hereby certify that on November 14, 2022, a copy of the foregoing was filed using the Clerk of Court's CM/ECF filing system which will send Notification of such to counsel for Matthew Scott Moore.

Respectfully submitted,

/s/ David B. Owens